

**STATEMENT OF THE GOVERNOR
UPON SIGNING OF SENATE SUBSTITUTE FOR HOUSE BILL 2655**

Senate Substitute for House Bill 2655, which I have signed today, responds to the Kansas Supreme Court's February 11 decision regarding the "equity requirement" of school finance that the court has found in Article 6, Section 6(b) of the Kansas Constitution. The court announced that it would order the closing of Kansas schools unless the legislature took action, and advised that these matters "can be cured in a variety of ways – at the choice of the legislature." Because I agree with the choice made by the legislature and I want to keep our schools open, I have signed the bill and I am adding this message to state why I agree with the choice made by the legislature.

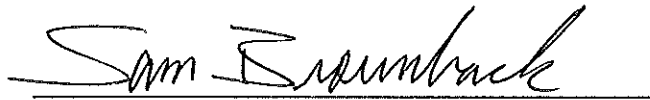
The provision of the Kansas Constitution at issue here provides simply that "The legislature shall make suitable provision for finance of the educational interests of the state." This language, added to the Constitution in 1966, now has been the impetus for a decades-long cycle of litigation. In an effort to address this problem and best serve "the educational interests of the state," the 2015 legislature passed and I signed a repeal of the old, outmoded school funding formula — replacing it with a two year unrestricted "block grant" to school districts that freed them to use the funds as they deemed appropriate, and allowed time to develop a new, modernized approach to school funding. In the most recent court decision, it was found that this action did not result in "reasonably equal access to substantially similar educational opportunity through similar tax effort." The bill I have signed today solves this equity issue by adopting the capital outlay equalization formula previously approved by the court itself.

Some already have criticized the solution in this bill as a "product of politics," at least partly because the bill contains "hold harmless" provisions to ensure that no school district will experience a reduction in current funding. This is a curious allegation – coming as it does from those who have proposed no solution of their own, other than spending more and more taxpayer dollars – because our Constitution explicitly commits these matters to our legislature. When the legislature acts, it represents the collective judgment of 165 elected representatives of the people. I do not take that judgment lightly. Before approving this bill by substantial majorities in both houses, the legislature considered several other alternatives, none of which attracted the necessary support. One failed bill would have required tens of millions of dollars in additional funding, and another would have resulted in outright cuts to the current funding of dozens of school districts. See Senate Bill 512, House Bill 2731. The solution that emerged in this bill is most certainly the result of a delicate legislative compromise – a compromise that I respectfully endorse and that the court should review with appropriate deference. Additionally, the hold harmless language contained in this bill was endorsed by the Kansas Commissioner of

Education and the Deputy Commissioner for Fiscal and Administrative Services as being necessary for school district budgeting purposes.

In the appropriations bill that I signed earlier this year, additional funds were allocated to assist the legislature in documenting the legislative history of the bills under consideration to address the court decision. See House Substitute for Senate Bill 161. This information should assist the court in understanding the deliberative process as it occurs in the Statehouse, as well as all of the data and material that informs the decisions of individual legislators. I will also ask that the Attorney General submit this message to the court, so that the justices can be informed of the considerations that underlie my approval of the bill as an exercise of my constitutional duty and authority under Article 2, Section 14 of the Kansas Constitution.

Dated: April 6, 2016

A handwritten signature in black ink, reading "Sam Brownback", written over a horizontal line.

Sam Brownback
Governor of Kansas